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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,510	08/15/2008	Fabrizio Biagetti	071308.0740	2174
31625 BAKER BOTT	7590 08/26/200 S L.L.P.	EXAMINER		
PATENT DEPA		JONAITIS, JUSTIN M		
98 SAN JACINTO BLVD., SUITE 1500 AUSTIN, TX 78701-4039			ART UNIT	PAPER NUMBER
			3752	
			MAIL DATE	DELIVERY MODE
			08/26/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Applica	tion No.	Applicant(s)	Applicant(s)			
		10/597,	510	BIAGETTI, FABRIZIO				
Office Action Summary			er	Art Unit				
		JUSTIN	JONAITIS	3752				
Period fo	The MAILING DATE of this commun or Reply	nication appears on t	he cover sheet w	ith the correspondence ac	ddress			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).								
Status								
1) 又	Responsive to communication(s) file	ed on 10 July 2009						
2a)□	, , ,	2b)⊠ This action is	non-final					
3)		<i>'</i> —		ters, prosecution as to the	e merits is			
٠,٠	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.							
Dispositi	on of Claims							
4)⊠	Claim(s) 1-11 is/are pending in the	application.						
	4a) Of the above claim(s) <u>5-7</u> is/are withdrawn from consideration.							
	5) Claim(s) is/are allowed.							
	6)⊠ Claim(s) <u>1-4 and 8-11</u> is/are rejected.							
7)	Claim(s) is/are objected to.							
,	Claim(s) are subject to restri	ction and/or election	requirement.					
Applicati	ion Papers							
9)□	The specification is objected to by the	e Examiner						
-			ed or h)□ objec	eted to by the Examiner				
10)☑ The drawing(s) filed on <u>27 July 2006</u> is/are: a)☑ accepted or b)☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).								
					ED 1 121/d)			
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.								
Priority under 35 U.S.C. § 119								
	Acknowledgment is made of a claim	for foreign priority u	nder 35 U.S.C. §	§ 119(a)-(d) or (f).				
a)	☑ All b) Some * c) None of:							
	1.☐ Certified copies of the priority documents have been received.							
	2. Certified copies of the priority documents have been received in Application No							
	3. Copies of the certified copies of the priority documents have been received in this National Stage							
	application from the International Bureau (PCT Rule 17.2(a)).							
* See the attached detailed Office action for a list of the certified copies not received.								
			•					
Attachmen								
1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date								
	· -							
Paper No(s)/Mail Date <u>01/31/2007& 06/08/2009</u> . 6) Other:								

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DETAILED ACTION

Election/Restrictions

 Claims 5-7 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.
 Applicant timely traversed the restriction (election) requirement in the reply filed on 07/10/2009.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 3. Claims 1-4 & 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent #6,460,779 to Boecking.

Boecking discloses a valve body (fuel injector (1)) comprising a cartridge (valve seat body (21)) with a recess (recess (23)) that forms an injection nozzle on one end (spray-discharged opening (29)) and a needle (valve needle (30)) that is arranged in the recess and closes the injection nozzle if it rests within it's seat area on a needle seat (valve seat surface (24)) of the cartridge, wherein an area of the cartridge (the area being defined as the inner walls of the cartridge) adjacent to the needle seat have a cylindrically-shaped outer contour (the surface of the inner walls define their contour), and the needle has a cylindrically-shaped area adjacent to the seat area (cylindrical section (27)), and wherein the area of the cartridge adjacent to the needle seat and the cylindrically-shaped area have the same diameter.

Boecking further discloses the valve body having a needle seat and an a seat area of the

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needle being conically shaped (see Figure 1), and wherein the cartridge has an area adjacent to the area adjacent to the needle seat wherein the outer diameter of the cartridge is increasing in a direction away from the injection nozzle (portion of cartridge which transitions to the flange area to secure the valve seat body (21) with tightening nut (22)), where the fluid injector includes a housing (first and second housing body (2) and (16)) and an actuator unit (actuator (3))

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent #3,042,317 to Simmons discloses a variable area valve with similar structure. U.S. Patent #3,680,782 to Monpetit et al. discloses an electromagnetic injector with similar structure and components. U.S. Patent #4,077,374 to Saufferer discloses an injector with similar structure. U.S. Patent #4,350,301 to Erwin et al. discloses a fuel injector with similar structure. U.S. PG-Pub 2001/0032893 to Lambert discloses a fuel injector with similar structure and components. U.S. Patent #6,311,950 to Kappel discloses an injector with similar components. U.S. PG-Pub 2003/0025006 to Scarbrough discloses a nozzle with similar components.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUSTIN JONAITIS whose telephone number is (571)270-5150. The examiner can normally be reached on Monday - Thurs 6:30am - 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Len Tran can be reached on (571)272-1184. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JUSTIN JONAITIS/ Examiner, Art Unit 3752 /Len Tran/ Supervisory Patent Examiner, Art Unit 3752